

STATUTES RELATED TO AMBULATORY SURGICAL CENTERS
TITLE 63 OF THE OKLAHOMA STATUTES
As Amended Through 2000

§63-2657. Definitions.

As used in this act, unless the context clearly indicates otherwise:

1. "Ambulatory surgical center" means an establishment with an organized medical staff of physicians, with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures, with continuous physician services available on call, and registered professional nursing services available on site, whenever a patient is in the facility, which provides services or other accommodations for patients to recover for a period not to exceed twenty-three (23) hours after surgery;

2. "Commissioner" means the Commissioner of Health;

3. "Governmental unit" means any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state; and

4. "Person" means any individual, firm, partnership, corporation, company or association and the legal successors thereof.

Laws 1976, c. 293, § 1, emerg. eff. June 15, 1976. Amended by Laws 1992, c. 356, § 2, eff. Sept. 1, 1992.

§63-2658. License policy

No person or governmental unit acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain an ambulatory surgical center in this state without a license under this act issued by the Commissioner.

Laws 1976, c. 293, Section 2. Emerg. eff. June 15, 1976.

§63-2659. Application

A. Application for a license shall be made to the Commissioner upon forms provided by the Commissioner and shall contain such information as the Commissioner may require. The Commissioner shall require affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under the provisions of this act.

B. Each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of One Hundred Dollars (\$100.00). All license fees shall be deposited in the State Treasury to the credit of the General Fund of the Department of Health.

Laws 1976, c. 293, Section 3. Emerg. eff. June 15, 1976.

§63-2660. Issuance of a license

A. Upon receipt of an application for a license, the Commissioner shall issue a license if the applicant and ambulatory surgical center facilities meet the requirements established under this act. A license, unless sooner suspended or revoked, shall be renewable annually upon receipt of an application for a license and the license fee from the licensee and approval by the Commissioner.

B. Each license shall be issued only for the premises, persons or governmental units named in the application and shall not be transferable or assignable except with the written consent of the Commissioner. Licenses shall be posted in a conspicuous place on the licensed premises.

Laws 1976, c. 293, Section 4. Emerg. eff. June 15, 1976.

§63-2661. Hearing - Notice

A. The Commissioner, after notice and opportunity for a hearing to the applicant or licensee, may deny, suspend or revoke a license in any case in which the Commissioner finds that there has been a substantial failure to comply with the requirements of this act.

B. Notice shall be given by registered mail or by personal service and shall set forth the particular reasons for the action proposed by the Commissioner. The notice shall fix a date not less than thirty (30) days from the date of the mailing or service, at which time the licensee or applicant shall be given an opportunity for a prompt and fair hearing.

C. At the hearing the licensee or applicant may present evidence, examine witnesses and be represented by counsel of his choice. On the basis of the hearing, or upon default of the licensee or applicant, the Commissioner shall make a determination specifying his findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the licensee or applicant.

D. The decision revoking, suspending or denying the license or application shall become final thirty (30) days after it is so mailed or served unless the applicant or licensee within that period appeals the decision.

E. Any person or governmental unit aggrieved by a decision of the Commissioner may appeal to the district court.

Laws 1976, c. 293, Section 5. Emerg. eff. June 15, 1976.

§63-2662. Rules and regulations

The State Board of Health shall adopt such reasonable rules, regulations and standards as are necessary to insure that the quality of medical care in ambulatory surgical centers is the same as that required in hospitals licensed in the State of Oklahoma.

Laws 1976, c. 293, Section 6. Emerg. eff. June 15, 1976.

§63-2663. Inspections and investigations

The Commissioner shall make, or cause to be made, such inspections and investigations as he deems necessary.

Laws 1976, c. 293, Section 7. Emerg. eff. June 15, 1976.

§63-2664. Penalty

A. Any person operating, conducting, managing or establishing an ambulatory surgical center without a license required by this act is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. Each day of continuing violation shall constitute a separate offense.

B. The Attorney General shall represent the Commissioner and shall institute an action in the name of the state for injunctive or other relief against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of an ambulatory surgical center without a license issued pursuant to the provisions of this act.

Laws 1976, c. 293, Section 8. Emerg. eff. June 15, 1976.

§63-2665. Discriminatory practices

No entity, governmental, public or private, providing individual or group health insurance or reimbursing for health care shall discriminate in its payment or reimbursement procedures against ambulatory surgical centers. Provided, however, that this section shall not require the same dollar amount of benefits be paid on account of inpatient hospital treatment.

Laws 1976, c. 293, Section 9. Emerg. eff. June 15, 1976.